

Final Report and Recommendations

Jacksonville, Florida

Submitted by the

Juvenile Justice Advisory Committee

Fourth Judicial Circuit of Florida

June 27, 2019



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Dear State Attorney Melissa Nelson:

Since its convening on September 12, 2017, and in accordance with your charge, the members of the Juvenile Justice Advisory Committee have conducted a comprehensive review of current juvenile diversion programming in the Fourth Circuit. On behalf of the Committee, I am pleased to submit this report and to provide recommendations concerning prospective programming to assist in your continuing efforts to reduce juvenile recidivism and crime in Northeast Florida. We all appreciate the opportunity to work with you and the dedicated people in your office. Thank you.

Sincerely,



Buddy Schulz

Chair, Juvenile Justice Advisory Committee

cc: **The Honorable Suzanne Bass**, Circuit Judge, Fourth Judicial Circuit in and for the State of Florida
Jim Clark, Clark Consultants, LLC
The Honorable Brian Davis, United States District Judge, Middle District of Florida
Pamela Davis, Duval County Public Schools
Rory Diamond, K9s for Warriors
Kevin Gay, Operation New Hope
Nathaniel Glover, Former President, Edward Waters College and former Jacksonville Sheriff
Dr. Jeffrey Goldhagen, UF College of Medicine at Jacksonville
Shelley Grant, Jacksonville University
Marcus Haile, Learn to Read Jacksonville
Gretchen Hamm, Mental Health Resource Center
Elder Lee Harris, Mt. Olive Primitive Baptist Church
Bill Hodges, Retired from the Jacksonville Children's Commission
Alan Louder, State Attorney's Office
Michael Meyers, Attorney Retired, Orrick, Herrington & Sutcliffe, LLP
Lara Nezami, Finnell, McGuinness, Nezami & Andux PA
Deloris Patterson, Jacksonville Sheriff's Office
The Honorable Jack Schemer, Circuit Judge, Fourth Judicial Circuit in and for the State of Florida
Anthony Stinson, Community Leader and Small Business Owner
Nina Waters, The Community Foundation for Northeast Florida
Dr. Vicki Waytowich, Partnership for Child Health
Donna Webb, Chief Probation Officer in and for the Fourth Judicial Circuit, Florida Department of Juvenile Justice

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Executive Summary

The juvenile justice system—and the myriad agencies and nonprofit organizations that comprise it—has the formidable responsibility of advancing public safety, holding young people accountable for their actions, while also providing opportunities for young people who have made mistakes to grow into productive, successful, law-abiding community members. The effectiveness of this system is critical to the current and future success of our communities. Our collective approach should be measured not by how many young people we prosecute and incarcerate, but by how many young people we help move out of the justice system to become productive and law-abiding members of the community.

State Attorney Melissa Nelson established the Juvenile Justice Advisory Committee (JJAC) in September 2017, bringing together 23 community members with diverse backgrounds and perspectives, all passionate about youth and juvenile justice issues. The JJAC's primary focus was on improving juvenile diversion programming, and the committee was tasked with developing a written report to the State Attorney's Office (SAO) that makes recommendations for best-practice diversion programming to be implemented in Florida's Fourth Judicial Circuit.

For more than a year, members and subcommittees met regularly to review and discuss best practices in juvenile justice programming. Through numerous presentations, and in consultation with national experts, the JJAC developed a concrete set of recommendations that are hereby presented to the State Attorney and shared with the broader Northeast Florida community.

The JJAC concluded that there are multiple opportunities to significantly improve Northeast Florida's juvenile justice system and to bring it into alignment with promising and evidence-based best practices that have been identified in other states and counties. Fundamental to all recommendations proposed in this report is the acknowledgement that the human brain does not fully develop until a person is in their mid-twenties, meaning that children and adults are different in their ability to process information, to resist peer pressure, to respond to emotionally-charged incidents, and to consider long-term consequences during decision-making.¹ Also fundamental to the Committee's recommendations are the acknowledgement of the impact of trauma and other environmental factors experienced by children.

This report, and the priority recommendations identified in this summary, suggests a developmentally-

informed juvenile justice system that prescribes an appropriate level of intervention as determined by the circumstances of each child and the offense they are accused of committing. Normative adolescent behavior—particularly among boys—can result in lawbreaking, and the vast majority of adolescents will grow out of such behavior.² These young people need to be held accountable for their actions in a manner that does not unnecessarily pull them into the deep end of the justice system, which robust research suggests can irreparably alter the trajectory of their lives. As such—and in accordance with the task of the JJAC—a significant portion of this report is dedicated to improving and expanding diversion programming, including by the removal of its delivery from the State Attorney's Office and into a more community-based setting, managed by the Kids Hope Alliance.

The recommendations in this report will significantly reform and enhance the juvenile justice system in the Fourth Judicial Circuit, thereby advancing the health, safety, and stability of our Northeast Florida community.

Fundamental to all recommendations proposed in this report is the acknowledgement that the human brain does not fully develop until a person is in their mid-twenties, meaning that children and adults are different in their ability to process information, to resist peer pressure, to respond to emotionally-charged incidents, and to consider long-term consequences during decision-making.

¹ Anjali Tsui, "How Brain Science is Changing How Long Teens Spend in Prison," *PBS Frontline*. May 2, 2017. <https://www.pbs.org/wgbh/frontline/article/how-brain-science-is-changing-how-long-teens-spend-in-prison/>

² National Research Council, *Reforming Juvenile Justice: A Developmental Approach*. Washington DC: The National Academies Press, 2013. <https://doi.org/10.17226/14686>

Full List of Recommendations

This report includes specific recommendations designed to serve as a roadmap to improve juvenile diversion programming in Florida's Fourth Judicial Circuit. There are also recommendations included to improve other stages of the juvenile justice system, from arrest to disposition. A summary of these recommendations are:

DIVERSION RECOMMENDATIONS

1. Transfer diversion programming from the State Attorney's Office to the Kids Hope Alliance (14).
2. Implement a case management structure for diversion that tailors services and programs based on a needs assessment instrument (15, 16).
3. Develop a continuum of available diversion programs, which includes restorative justice and credible messenger mentorship pilot programs, and a pathways-to-career program (17, 18).
4. Limit the State Attorney's Office's role in diversion to the front-end (referral) and back-end (successful or unsuccessful completion) only (15, 19).
5. Eliminate the initial judicial hearing required for diversion participation (21).
6. Eliminate all jail tours from prevention and diversion programming (22).
7. School and community requests for diversion programming should go directly to the Kids Hope Alliance, not to the State Attorney's Office, eliminating at-large referrals (12, 22).
8. Make post-completion services available for children and families who choose to engage in the services beyond the child's completion of diversion (22).

ADDITIONAL RECOMMENDATIONS

1. Incorporate strategies from the National Council of Juvenile and Family Court Judges' School-Justice Partnership Model (23).
2. Move the intake process for children from the adult jail to the Juvenile Assessment Center (JAC) (23).
3. Review the Community Assessment Tool (CAT) to ensure it provides the necessary data to improve outcomes and eliminate racially disparate outcomes (23).
4. Staff the Juvenile Assessment Center with social service providers instead of probation officers (24).
5. Continue implementation of recent State Attorney's Office changes related to the direct file decision-making process (24).
6. Consider implementing a Young Adult Court (24).
7. Move away from the youth prison model by limiting placement in residential care when appropriate and keeping young people from Northeast Florida closer to home communities in small, high quality facilities (24).
8. Establish the Dispositional Reform Subcommittee under the umbrella of the enhanced KHA Juvenile Justice Taskforce, or the Circuit Four Advisory Board (25).

Introduction

In November 2016, Melissa Nelson was elected the State Attorney for Florida's Fourth Judicial Circuit. She took office on January 3, 2017. The Fourth Judicial Circuit encompasses Clay, Duval, and Nassau counties. Both on the campaign trail and in office, Nelson has demonstrated her commitment to implementing innovative and evidence-based reforms within the State Attorney's Office (SAO).

In September 2017, State Attorney Nelson convened the Juvenile Justice Advisory Committee (JJAC) to bring together youth and justice advocates to develop juvenile programming that will reduce recidivism rates and crime in the Fourth Circuit. Chaired by Buddy Schulz, the 23-member committee comprises individuals with diverse backgrounds and viewpoints who are passionate about youth and juvenile justice issues. Included on

the JJAC are judges, attorneys, nonprofit leaders, child experts, and prominent community leaders. Many of the JJAC members have been outspoken advocates who have long-argued that Northeast Florida needs an improved juvenile justice system. A full list of the JJAC committee membership can be found in Appendix A.

The JJAC's focus was on juvenile diversion programming, and the committee was tasked with developing a written report to the State Attorney that makes recommendations for best-practices diversion programming that can be implemented in the Fourth Judicial Circuit. This report fulfills that task. In the course of studying diversion programming, the JJAC touched on other aspects of juvenile justice practices in the Fourth Circuit, and this report includes recommendations related to those practices, as well.

JJAC COMMITTEE MEETINGS

The full JJAC met nine times between September 2017 and June 2018 and heard from local and national experts—including people who were previously justice-involved themselves—about practices that have been shown to positively impact youth development and reduce recidivism. The committee learned about a number of different topics that are fundamental to a successful system of justice and the unique considerations of its juvenile population.³ Listed below are the main topics covered in each meeting, as well as the guiding question(s) for the session:

- **History of juvenile diversion in and for the Fourth Judicial Circuit**
 - Guiding question: What is the history of juvenile diversion in the State Attorney's Office in and for the Fourth Circuit?
- **Juvenile Brain Development and Risk Factors**
 - Guiding question: How do biological and emotional factors influence youth behavior?
- **Juvenile Perspectives**
 - Guiding question: Why do juveniles commit crimes?
- **Restorative Justice**
 - Guiding question: What is restorative justice and how does it work in the juvenile justice context?
- **Education**
 - Guiding question: What are the educational challenges faced by youth who interact with the juvenile justice system?
- **Community Service and Mentoring**
 - Guiding question: How do mentorship and community engagement impact a youth's success in the juvenile justice system and beyond?
- **Employment and Life Skills**
 - Guiding question: How do employment and life skills training contribute to successful diversion of youth from the juvenile justice system?
- **Assessment and Wraparound Services**
 - Guiding questions: What is the impact of wraparound services on a youth's success? What are the best tools to assess what services a youth should receive? Specifically, what areas have the most lasting effect for families?
- **Programming**
 - Guiding questions: What is the big picture? What are examples of alternative programming? What are the JJAC's next steps?

JJAC SUBCOMMITTEES

The JJAC also formed six subcommittees to undertake more in-depth consideration of several of the meeting topics. Subcommittees met regularly between June and December 2018 and were chaired by members of the JJAC. A full list of the subcommittees' chairmen and their qualifications can be found in Appendix C. In total, nearly 30 subcommittee meetings were held, reflecting the commitment and investment of the JJAC members.

³ Additional information regarding the work of the Juvenile Justice Advisory Committee can be found in the appendices of this report as well as online. The SAO developed a dedicated webpage, which contains the full list of JJAC members, as well as the agenda, reading materials, expert presentations, and minutes for all of the JJAC meetings at <https://www.sao4th.com/about/programs-and-initiatives/juvenile-justice/juvenile-justice-advisory-committee-jjac/>. The JJAC "curriculum" is included as Appendix B.

Importance of a Developmentally-Appropriate Justice System

As foundational guidance, the JJAC approached all meetings, subcommittee meetings, and recommendations with the understanding that children are cognitively different from adults and require a juvenile justice system that is appropriate for their level of cognitive development and psychosocial maturation. Adolescents differ from adults in important ways that make an adult-model criminal justice system ill matched to their needs.⁴

Research has demonstrated that the human brain does not finish maturing until a person is in their mid-20s. During adolescence, the part of the brain that controls pleasure-seeking has largely developed, while the part of the brain that governs impulse control and decision making is still under development. This combination means that adolescents and young adults are overly motivated by reward-seeking behavior. As a result, adolescents are more susceptible to peer pressure, more prone to risk-taking and impulsive behavior, more likely to misread social cues and overreact, and they have not yet learned to make decisions with a future orientation – all factors that can lead to breaking the law.⁵

In a series of court decisions concluding that youth and adults are different, most notably *Roper v. Simmons*, which declared youth under age 18 to be ineligible for the death penalty; *Graham v. Florida*, which eliminated life sentences for non-homicide crimes; and *Miller v. Alabama*, which eliminated mandatory life-without-parole sentences for youth, the United States Supreme Court elevated the science on adolescent development. In *Roper v. Simmons*, the Court wrote that youth have a “lack of maturity and an underdeveloped sense of responsibility,” leading to recklessness, impulsivity, and heedless risk-taking.⁶ In *Miller v. Alabama*, the Court found that youth “are more vulnerable ... to negative influences and outside pressures;” they have limited “control over their own environment” and are therefore unable to extricate themselves from crime producing settings; and since a child’s character is not as “well formed” as an adult’s, his/her traits are “less

Youth “are more vulnerable ... to negative influences and outside pressures;” they have limited “control over their own environment” and are therefore unable to extricate themselves from crime producing settings; and since a child’s character is not as “well formed” as an adult’s, his/her traits are “less fixed” and his actions less likely to be “evidence of irretrievabl[e] deprav[ity].”⁷

fixed” and his actions less likely to be “evidence of irretrievabl[e] deprav[ity].”⁷ And, in *Graham v. Florida*, the court agreed with the petitioner’s assertion that “developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds. For example, parts of the brain involved in behavior control continue to mature through late adolescence.”⁸

The *Miller* decision, quoted above, touches on a core positive component of this stage of development, which offers great opportunity for advancing public safety. First, young people are “less fixed” in their ways, and the vast majority of young people will naturally age out of delinquent behavior without intervention. That is not to say that law-breaking behavior should be ignored, but rather that the intervention—whether via civil citation, post-arrest diversion, or formal processing—should be appropriate for the individual young person and his/her circumstances. Significant evidence shows that involvement in the juvenile justice system, considered

⁴ National Research Council, “Reforming Juvenile Justice.”

⁵ “Teen Brain: Behavior, Problem Solving, and Decision Making.” American Academy of Child and Adult Psychiatry, 2016, accessed on May 16, 2019. https://www.aacap.org/aacap/families_and_youth/facts_for_families/fff-guide/the-teen-brain-behavior-problem-solving-and-decision-making-095.aspx

⁶ *Roper v. Simmons*, 543 U.S. 551 (2005).

⁷ *Miller v. Alabama*, 567 U.S. 460 (2012).

⁸ *Graham v. Florida*, 560 U.S. 48 (2010).

alone, produces negative outcomes for young people.⁹ Overly intrusive and prolonged interventions can actually increase future reoffending.¹⁰ Second, the brain development that occurs during adolescence makes young people more malleable to positive interventions that promote growth. Therefore, appropriate interventions can positively impact a young person's future behavior, and in doing so, prevent him or her from committing crimes in the future.¹¹ That means that the interventions delivered by the juvenile justice system and its community-based partners have the potential to dramatically affect their lives, for better—or worse. Youth who come into contact with the juvenile justice system need positive interactions with caring adults, constructive feedback, and learning opportunities that help them with the normal developmental milestones of impulse control, decision-making, and emotional

maturity delivered in the least-intrusive, least-restrictive setting possible.¹²

Overly intrusive and prolonged interventions can actually increase future reoffending.

Given the research in this area, the onus is on juvenile justice practitioners to bring juvenile justice practice into alignment with developmental research, even if that means altering long-standing practices—practices that may be harmful to both the young people they are trying to serve and public safety at large. A positive youth development model that identifies young peoples' needs and builds on their strengths and assets should be implemented at every stage of the system.

IMPACT OF TRAUMA

Justice-involved youth are disproportionately likely (when compared to non-justice involved youth) to have histories of abuse that add to the complexities of adolescent development.¹³ Unfortunately, juvenile justice systems far too often exacerbate these complexities by placing youth in settings that are not conducive to healing.¹⁴ In describing this scenario, the authors of a recent report from Harvard University and the National Institute of Justice states:

The trauma many of these young people have experienced may make them especially sensitive to environmental triggers, and yet, many are kept in institutional environments that can further trigger trauma and rage: long periods of isolation; harsh, sterile surroundings; bright lights; a constant din; and a near-constant threat of violence.

Many of the youth who come into contact with the juvenile justice system enter it with diagnosable mental health and substance abuse problems, yet few receive help with these issues.¹⁵ A longitudinal study of 1,300 youth who were confined for serious offenses found that, while in the residential setting, few received mental health services.¹⁶ Once released, even fewer youth received mental health services, despite the finding that each additional month of service reduced the likelihood of recidivism by 12%.¹⁷ Finally, life-course criminological research has found that marriage and long-term employment are two of the most critical developmental milestones on the path to maturing out of delinquent behavior.¹⁸ However, commitment to a youth prison makes both less attainable.¹⁹

⁹ David Muhammad, "A Positive Youth Justice System," *National Institute for Criminal Justice Reform*, 2019. <https://nicjr.org/wp-content/uploads/2019/01/PYJS-Report-NICJR-Feb-2019.pdf>

¹⁰ National Research Council, "Reforming Juvenile Justice."

¹¹ Ibid.

¹² Ibid.

¹³ Carly B. Dierkhising, Susan Ko, Briana Woods-Jaeger, Ernestine Briggs, Robert Lee, and Robert Pynoos, "Trauma Histories among Justice-Involved Youth: Findings from the National Child Traumatic Stress Network." *European Journal of Psychotraumatology* 4, no. 10 (2013). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3714673/>

¹⁴ Christopher Branson, Carly Baetz, Sarah Horwitz, and Kimberly Hoagwood, "Trauma-informed Juvenile Justice Systems: A Systematic Review of Definitions and Core Components." *Psychological Trauma* 9, no. 6 (November 2017): 635-646. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5664165/>

¹⁵ Office of Juvenile Justice and Delinquency Prevention, "Intersection Between Mental Health and the Juvenile Justice System." OJJDP Literature Review, 2017. <https://www.ojjdp.gov/mpg/litreviews/Intersection-Mental-Health-Juvenile-Justice.pdf>

¹⁶ Ibid.

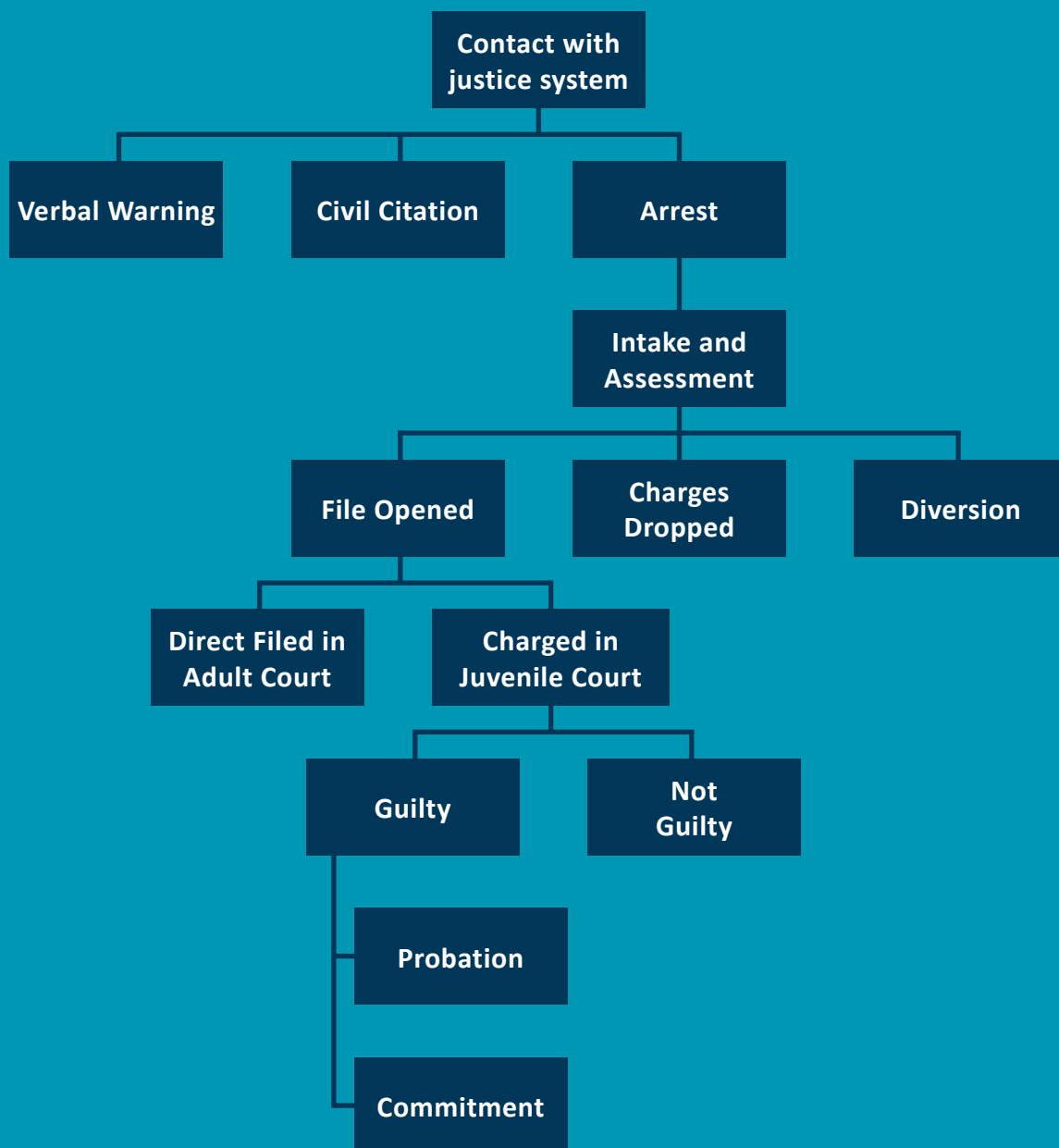
¹⁷ Carol Schubert and Edward Mulvey, "Behavioral Health Problems, Treatment, and Outcomes in Serious Youthful Offenders," *Office of Juvenile Justice and Delinquency Prevention*, 2014. <https://www.ojjdp.gov/pubs/242440.pdf>

¹⁸ Robert Sampson and John Laub, "A Life-Course Theory of Cumulative Disadvantage and the Stability of Delinquency" in *Developmental Theories of Crime and Delinquency*, e.d. Terry Thornberry. (New Brunswick: Transaction, 1997), 133-161.

¹⁹ Barry Holman and Jason Ziedenberg, "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities" *Justice Policy Institute*, 2011. http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf

Current Juvenile Justice System Structure and Processes

The current juvenile justice system in Northeast Florida is comprised of multiple agencies, each making a specific and important contribution to the overall functioning of the system. In order to provide appropriate context regarding what diversion is, where diversion sits in the juvenile justice continuum, and how diversion can be improved, this section of the report walks through each of the major decision points within the juvenile justice system. At each decision point, the current practice is discussed and the major agencies responsible are identified.



CIVIL CITATION

The vast majority of young people who come into contact with the justice system do so by first interacting with a law enforcement officer. Officers have the option of giving a verbal warning, issuing a civil citation or making a formal arrest, depending on the alleged offense and other circumstances.

A civil citation is a pre-arrest diversion strategy, in which law enforcement officers can immediately divert a youth's case from formal arrest and processing into a community-led effort to hold young people accountable. Pre-arrest diversion has numerous benefits, including significant cost-savings for taxpayers as well as the prevention of stigmatization and trauma that accompanies arrest, mugshots, and the threat of out-of-home detention.

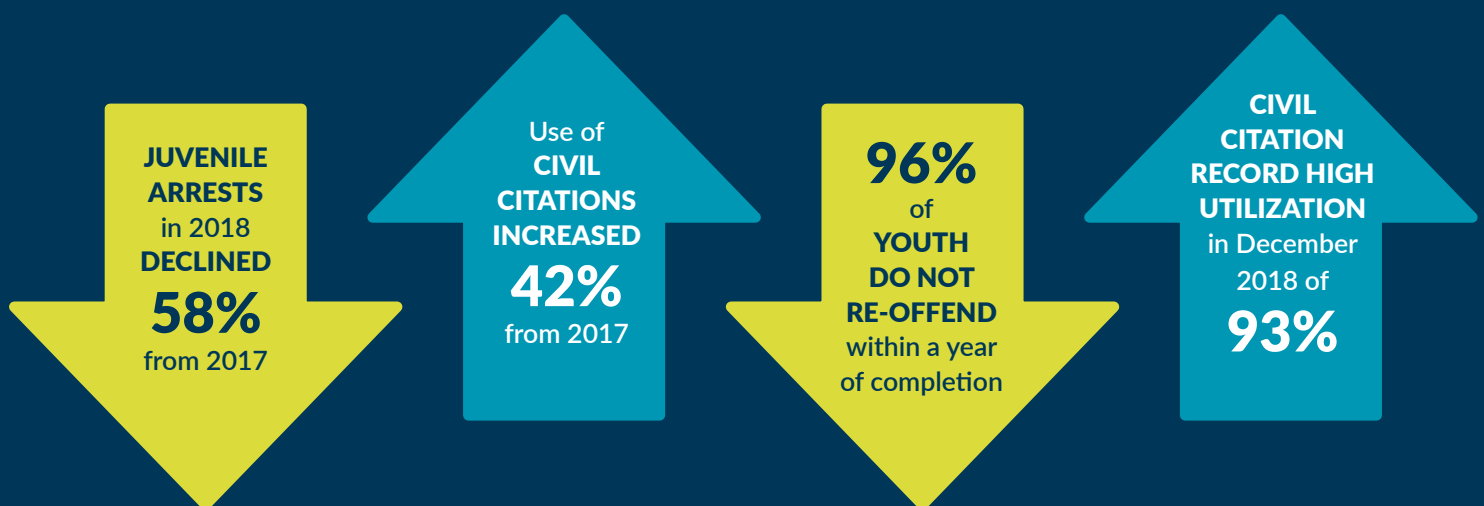
Most misdemeanors and municipal ordinance violations (except for offenses associated with the use and/or possession of firearms, or certain traffic offenses) qualify for civil citation. Only children under the age of 18 are eligible for juvenile civil citations. They must have two or fewer prior citations; must not have a pending citation or warrant or custody order; must not have been previously adjudicated for a felony or convicted as an adult; and, cannot be identified as a gang member.

Civil citations are important, because they:

- Promote accountability and immediate intervention;
- Provide swift consequences;
- Increase public safety by assessing and referring "at-risk" youth to intervention programs with the goal of reducing recidivism;
- Prevent lifelong consequences associated with an arrest, adjudication, or conviction;
- Reduce the number of juvenile offender referrals to and pending cases in the justice system; and
- Reduce costs associated with administration of the criminal juvenile justice system.

Once a young person receives a civil citation, they are referred to a Teen Court, which either provides services directly or further refers the young person to a Neighborhood Accountability Board (see diagram on page 9).

Currently, restorative justice practices are used when a young person is issued a civil citation and is referred to a Teen Court or Neighborhood Accountability Board (NAB).



CIVIL CITATIONS keep the **COMMUNITY SAFER** and **SAVE TAXPAYER DOLLARS**. It is estimated the **EXPANDED USE OF CIVIL CITATIONS HAS SAVED MORE THAN \$3.2 MILLION**

Data compiled and provided by the Florida Department of Juvenile Justice

Teen Courts and NABs practice restorative justice by bringing the community together to determine appropriate sanctions.²⁰ To participate in a Teen Court or NAB program, the young person must accept responsibility and be willing to “make reparation through the use of therapeutic interventions, written assignments and community service.”²¹ Crime victims often receive apology letters and may also receive restitution.

Sanctions from a Teen Court or NAB typically include a combination of the following:

- Community service hours
- Reflective essays on behavior that led to issuance of citation
- Book report
- Thank you letter to the officer for sending them to program
- Workbook assignments on relevant subject matters

- Drug testing and drug abuse counseling
- Mental health counseling

In May 2017, State Attorney Nelson entered into a memorandum of understanding (MOU) with more than 20 local agencies, providing law enforcement with the broadest discretion possible to issue civil citations in situations they deem appropriate. The MOU paved the way for an increased use of civil citations and has resulted in a significant shift in Jacksonville. There was a 128% increase in the number of civil citations issued from 2016 to 2018, with 704 civil citations issued in 2018. The expanded use of civil citations saved taxpayers over \$3 million in 2018²² and led to a decline in the number of youth processed at the Juvenile Assessment Center from June 2017 (270 youth) to August 2018 (180 youth).²³ The JJAC commends the SAO and its partners for increasing the use of juvenile civil citations.

ARREST AND INTAKE

When a young person is ineligible for a civil citation, the youth is likely to be arrested. According to the Jacksonville Sheriff’s Office (JSO) juvenile processing procedures, all youth arrested are handcuffed and transported to the juvenile processing area inside of the John E. Goode Pretrial Detention Facility, which is Duval County’s primary adult jail in downtown Jacksonville. A JSO officer handles the initial booking of youth. This component includes a precursory pat search, removing the handcuffs, inventorying and storing the youth’s property, questionnaires, obtaining fingerprints, and mugshots. This process can take several hours.

When the youth’s booking is completed, JSO personnel re-shackle and transport the youth to the Juvenile Assessment Center (JAC), which is adjacent to the Juvenile Detention Center (JDC). The JAC is run by probation officers employed by the Department of Juvenile Justice, an agency of the State of Florida.

At the JAC, the juvenile is unshackled and their identity is checked in various databases. DJJ personnel and contractors administer assessments to determine

1) whether the juvenile will be detained pending adjudication (Detention Risk Assessment Instrument (DRAI)) as well as 2) their mental health (Massachusetts Youth Screening Instrument (MAYSI)). A subset of young people may be referred for a more detailed assessment, called Global Assessment of Individual Needs (GAIN), which is conducted by a contractor: Jewish Family & Community Services (JFCS). The GAIN Assessment often needs to be completed later since JFCS personnel are not staffed on site. JFCS then make referrals to counselling or other services.

JAC personnel also contact the youth’s parents/guardian. If the juvenile is to be released, the parents/guardian will pick up him or her. If the juvenile is to be detained, the young person is re-shackled and walked across a parking lot to the Juvenile Detention Center. Youth typically spend approximately two hours at the JAC before either being released or detained. Between the booking at the pretrial detention facility and the time at the JAC, a young person can spend five hours or more in the intake process before being released or detained.

²⁰ See page 17 for further discussion of restorative justice.

²¹ “Teens and Truancy Courts.” Fourth Judicial Circuit Courts of Florida, accessed on November 24, 2018. <https://www.jud4.org/Court-Programs/Teen-and-Truancy-Courts>

²² First-time misdemeanor arrests for juveniles cost approximately \$5,000, whereas the issuance of a single civil citation costs \$386, on average. Florida DJJ Civil Citation Initiative, <https://juvjustice.org/sites/default/files/ckfinder/files/STTAC%20Civil%20CitationWebinar.pdf>, September 22, 2014, pg. 27; Florida DJJ Roadmap to System Excellence, <https://www.scribd.com/document/162251091/Florida-Department-of-Juvenile-Justice-Roadmap-to-System-Excellence>, August 1, 2013, pg. 32; Florida DJJ Civil Citations, <http://www.djj.state.fl.us/docs/quality-improvement---residential/2012-civil-citation-powerpoint>, May 2012, pg. 7; “Restorative Justice,” Interfaith Coalition for Action, Reconciliation, and Empowerment, accessed on November 26, 2018. <http://icarejax.org/youth-crime/>

²³ Information provided during Juvenile Justice Advisory Committee Meeting compiled from the Florida Department of Juvenile Justice: <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/civil-citation-and-other-alternatives-to-arrest/cc-dashboard>.

DIVERSION

Once a child has gone through the intake process, his/her file is referred to the State Attorney's Office. Assistant State Attorneys within the SAO determine whether charges should be dropped, proceed to formal petition (i.e., whether the child should be charged), or whether the case should be diverted from the formal petition process.

Diversion programs are designed to provide immediate accountability without involvement in the traditional court system for youth who have been arrested for lower-level offenses. To be eligible for diversion, the youth should:

- be under the age of 18 at the time of the offense;
- have no more than one previous adjudication for a non-violent misdemeanor; and
- be charged with a misdemeanor or third-degree felony.

Between 1991 and 2008, the SAO had multiple youth diversion programs. These programs were supported through federal and state grants, local philanthropic support, and well-trained community volunteers. Between 2008 and 2016, the SAO put less emphasis on diversion of youth from the formal justice system, and the number of available diversion programs dropped significantly. Historically, diversion programs have been created and operated internally at the SAO, without significant input from the community.

Currently, when an Assistant State Attorney receives a case, they review it for diversion eligibility. Youth who are deemed eligible for diversion must attend an initial court appearance before the judiciary to be placed in diversion. The SAO then refers the child to either the Juvenile Diversion Alternative Program (JDAP) or the Youth Offender Program (YOP). For more serious offenses or for youth who present more needs, youth are referred to JDAP. For less serious offenses and for those youth generally without previous juvenile justice involvement, youth are referred to YOP.

JDAP is run by Bay Area Youth Services through a contract with the DJJ. The contract was renewed in 2017 for five years. The number of young people participating in JDAP is 50 to 60 on average; however, the contract is for 70. Participation in JDAP has declined due to the increased use of pre-arrest diversion. JDAP serves youth who need more intensive services and who have co-occurring issues (e.g., learning disabilities, substance abuse, trauma at home, etc.). JDAP has three case managers and one

consulting clinician. Typically, a young person completes the program in 60 to 120 days. Once a juvenile is referred to JDAP, the first meeting is typically in five to seven days. The case manager coordinates all services for the youth, and meetings can occur at the office or at the youth's home.

Youth who are diverted but not referred to JDAP enter what is called the Youth Offender Program (YOP), run by the SAO. They begin with a hearing in front of SAO personnel, during which a family assessment is conducted, facts of the case are discussed, and the youth is given the opportunity to enter into a Deferred Prosecution Agreement. The agreement provides for the youth to complete a number of tasks over 90 days in exchange for the charges being dropped. The tasks may include, depending on the circumstances of the arrest:

- attending a Consequences of Crime (for males) or Focus on Females (for females) class,
- a tour of the Duval County Jail,
- writing one or more essays (on a subject such as character),
- writing apology letters,
- reviewing and responding to questions about educational materials (for example, about anger management or bullying behavior), and/or
- community service.

In addition, the hearing officer can make referrals to service providers as part of the diversion process. However, the SAO has very limited case management resources. The lead case manager at the SAO can have as many as 200 open cases at one time. So, while the SAO personnel strive to serve the needs of diverted youth, the practicalities of serving so many young people can be overwhelming.

As part of the YOP, twice per year the SAO arranges for the arrest records of youth who successfully complete the YOP to be expunged. Absent expungement, the arrest record of a diverted youth remains part of their history. With expungement, the record is removed. JSO, Florida Coastal School of Law, Jacksonville Area Legal Aid, and several nonprofits give time and funds to pay for this process.

It is worth noting that, in addition to arrested youth, the SAO diversion program is currently used for what is referred to as at-large referrals. These are youth who have not been arrested but have a diversion case opened

at the SAO. These include, for example, youth displaying pre-delinquency behaviors whom are referred by their school. Please see page 22 for additional discussion of at-large referrals.

PETITION

Cases that are not diverted or dropped proceed to a formal petition in the juvenile court. A petition is similar to a charging document in adult court and is the primary instrument that informs the adjudication hearing (similar to a trial in adult court). An Assistant State Attorney will prepare the petition and, in an adjudication hearing, make the case to the court that the young person is responsible for the alleged delinquent act.

DISPOSITION

When a young person is adjudicated “delinquent” at an adjudication hearing, the case proceeds to a disposition hearing wherein the judge determines whether the child receives a disposition of probation or commitment.

Typically, a disposition of probation means that the young person stays in their home and must follow the requirements of probation, including regular meetings with a juvenile probation officer. The Florida Department of Juvenile Justice monitors youth compliance with the terms of probation, and there are various sanctions and supports, such as:

- Community service
- Consequences of Crime class
- Letter of Apology
- Relevant Subject Matter Packet (i.e., anger management)
- Curfew
- Counseling (drug abuse, behavior modification, family therapy)
- Educational support

A child who receives a commitment disposition can be sent to a non-residential program, a non-secure residential program, a high-risk residential program, or a maximum residential program.

A non-residential commitment program is typically a day treatment program that allows a child to reside at home and attend the program daily. Day treatment programs are not longer than one year and are more intensive than probation.

The other three types of commitment dispositions are residential – meaning, that a young person is removed from their home and sent to live in a juvenile justice facility. There are three levels to these facilities, with the most restrictive level most closely resembling an adult prison. As per the Florida Department of Juvenile Justice website²⁴, all facilities are expected to provide 24-hour awake supervision, custody, care, and treatment of residents. The facilities shall have no more than 90 beds each, including campus-style programs, unless those campus-style programs include more than one treatment program using different treatment protocols, and have facilities that coexist separately in distinct locations on the same property. All three levels permit facility staff to seclude a juvenile who is a physical threat to himself, herself, or others, and to use mechanical restraints.

Commitment is often followed by a period of post-commitment supervision (like probation), where the court can retain jurisdiction until age 19. In some instances, youth will receive conditional release, where the courts can retain jurisdiction until age 21.

To summarize, the “lightest touch” of the juvenile justice system involves civil citations, generally for youth accused of minor offenses, who are unlikely to have further involvement with the juvenile justice system. The petition process is reserved for serious offenses and/or youth who have come into contact with the juvenile justice system multiple times, and in many ways resembles adult criminal justice dispositions.

Our focus is on the cases in the middle, where the young person is arrested but a determination is made to divert the youth with only limited intervention in order to maximize chances that that youth will be successful and avoid future justice involvement.

²⁴ Florida Department of Juvenile Justice: Restrictiveness Levels. <http://www.djj.state.fl.us/programs-facilities/restrictiveness-levels>.

Recommended Diversion Process and Structure

The JJAC was tasked with developing a set of recommendations to improve diversion programming in the Fourth Judicial Circuit.²⁵ This section contains priority recommendations for improvements to the diversion process.

TRANSFER DIVERSION PROGRAMMING OUT OF THE SAO TO THE KHA

Diversion programs should be moved out of the State Attorney's Office, and instead, be managed by the Kids Hope Alliance (KHA). The KHA was created by the City of Jacksonville to serve as a central coordinator for children's programming and provide funding and resources to youth and community-based programs that serve youth. Juvenile justice is one of the KHA's five Essential Services categories. In November 2018, it released its inaugural Essential Services Plan, which includes as one of its impact strategies to:

Increase and implement programming aimed at youth who are involved in the criminal justice system, specifically diversion services for youth who are not eligible for or already captured by civil citations.²⁶

The KHA is the logical organization to manage Jacksonville's diversion programs. It already serves as the primary hub of coordination for all children's programming in Jacksonville, and it has identified diversion services as a core strategy. In addition, the KHA has the existing infrastructure to manage Request for Proposals (RFP) and other funding mechanisms, and to manage the data collection and reporting of nonprofit organizations receiving funding to provide diversion services to youth. The KHA is also well-situated to track program outcomes, including participant recidivism rates, ensure a consistent definition of "recidivism" across programs and providers, and require consistent reporting on those outcomes. The KHA already provides this type of quality control for other contracts and can provide appropriate oversight to ensure that organizations providing diversion services meet their contractual obligations.

Structurally, the State Attorney's Office, which is the State's prosecuting entity, is not the appropriate place to manage the city's diversion programming. Diversion—as a discreet step in the juvenile justice continuum—is designed to address youthful misbehavior and keep young people out of the formal justice system and away

from the SAO. Therefore, diversion programming should be administered by community-based entities rather than the prosecuting entity. Moving forward, the SAO should serve as the referral source for diversion—not as the program manager. As a subject-matter expert on the KHA board and a member of the KHA's Juvenile Justice Taskforce, the SAO will continue to have input in overall diversion programming efforts, but would do so in collaboration with other members of the Juvenile Justice Taskforce.

KHA's Five Essential Services Categories:

- Early Learning Programs
- Juvenile Justice Prevention Programs
- Out-of-School Time Programs
- Preteen and Teen Programs
- Special Needs Programs

To most effectively implement this significant shift, the JJAC calls on the SAO and KHA to immediately establish the Independent Diversion Transition Workgroup. The task of the workgroup shall be to facilitate the transfer of diversion programming from the SAO to the KHA. Key early tasks of the workgroup will include: KHA hiring a qualified senior executive or consultant to lead KHA's assumption of management of diversion programming; determining which entities will implement diversion programming following transfer from the SAO through the formalized Request for Proposals process; and determining the needed budget and source of funds for this work (see discussion following, under the Funding section).

²⁵ Although the Fourth Judicial Circuit includes Clay, Duval, and Nassau counties, for the purposes of this report, the JJAC focused on Duval County. Recommendations made in this report will be piloted in Duval County with successful practices implemented at a later date in Clay and Nassau.

²⁶ Kids Hope Alliance, "2018 Kids Hope Alliance Essential Services Plan." (Jacksonville: Kids Hope Alliance, 2018): 13. http://kidshopealliance.org/wp-content/uploads/2018/11/KHA-Essential-Services-Booklet.Mayor_.pdf

As part of the workforce efforts, the SAO should provide all relevant information and data regarding diversion to KHA, such as:

- Total current budget allocations towards diversion programming within the SAO²⁷;
- Source and future availability of such funding;
- Number or percentage of FTEs within the SAO dedicated to diversion programming;
- Number of young people in Duval County served in juvenile diversion programs in 2017 and 2018;
- Percentage of young people in Duval County who successfully completed juvenile diversion programs in 2017 and 2018;
- Anticipated number of eligible young people for diversion programming once services are expanded and enhanced via transition to KHA; and
- Any other relevant data or information.

The workgroup should commence efforts immediately, and move to have the transition plan completed and implemented as promptly as feasible.

Implementation Timeframe: *Immediate.*

GOVERNANCE

The success of juvenile justice system diversion efforts in our community will depend upon committed leadership. The JJAC believes the KHA is well-suited—both in its mission and staffing capabilities—to provide the leadership necessary for this success. Missing from its current ability, however, is the comprehensive leadership knowledge and experience necessary to inform its decision making. Currently, the State Attorney’s Office, the Fourth Judicial Circuit Juvenile Justice Advisory Board, and the KHA Juvenile Justice Taskforce contribute to the circuit’s diversion system. Collectively, the memberships of these independent entities and DJJ constitute a repository of knowledge and experience about our youth that is critical to the funding and synthesis of interest and support necessary to sustain a comprehensive diversion system over time and across changes in various administrations.

Accordingly, the committee recommends the KHA Juvenile Justice Taskforce be enlarged to include voting representation of each of the current stakeholders identified by Florida Statute 985.664(4),²⁸ or alternatively,

that the implementation of KHA’s diversion programs be subject to the approval of the Circuit Four Advisory Board, which is comprised of state, local, and community juvenile justice stakeholders.

Implementation Timeframe: *Immediate.*

REFERRAL PROCESS

Similar to the SAO’s recent MOU with law enforcement agencies agreeing to provide broad discretion in the issuance of civil citations, ASAs should have broad discretion when referring cases for diversion. Under the model recommended in this paper, the State Attorney’s Office should receive the juvenile’s file from the Juvenile Assessment Center and an ASA will determine whether the case should proceed to formal petition or be diverted. If the ASA determines that the case should be diverted, the SAO will refer the child and his or her family to the KHA-contracted diversion case management provider. At this point, the SAO’s involvement in the matter will cease, until the diversion period comes to a conclusion. If the youth fails to successfully complete the diversion program, the case will then be sent back to the State Attorney’s Office for a decision on how to proceed with disposition. See page 19 for discussion of procedures upon failure to complete diversion.

Implementation Timeframe: *Immediate.*

CASE MANAGEMENT AND WRAPAROUND SERVICES

Children who come into contact with the juvenile justice system often have complex needs, with unique situations and circumstances. At the same time, research tells us that the vast majority of young people who are arrested for minor offenses will not return to the justice system even if no intervention is provided, and that over-intervention in young peoples’ lives can produce worse—not better—outcomes. Given these realities, the JJAC recommends a case management structure of diversion programming that allows the respective case managers to provide individualized plans that wrap services around each youth who is referred for diversion programming.

²⁷ Currently, the only SAO funding for diversion programming is in the form of personnel/salary costs.

²⁸ Florida Statute 985.664(4) mandates the Fourth Judicial Circuit Juvenile Justice Advisory Board consist of the State Attorney, the Public Defender, the Chief Judge, a Florida Department of Children and Families representative, the Sheriff, a county commissioner, a Superintendent of Schools, a workforce organization representative, a business community representative, a health services representative who specializes in mental health care, victim-service programs, or victims of crime, a parent or family member of a youth who has been involved in the juvenile justice system, and up to five representatives from among community leaders and youth service coalitions (or in some instances, their designees).

One of the important tasks of the Independent Diversion Transition Workgroup will be to determine how best for KHA to build the capacity for wraparound case management services. Since KHA will be contracting these services out, it is logical to consider whether existing case management services should be utilized and/or expanded. In developing a robust case management capability, there should be emphasis on redeploying and restructuring existing case management resources into a single operating structure.

Under the suggested revised structure, upon receiving a diversion referral from the SAO, the case manager will meet with the young person and family and administer the recommended assessment tools (discussed in more detail below) to determine which services and programs would be most appropriate for the child and family. The case manager will then connect the youth with the appropriate program or programs. Sufficient funding will be critical to keep case manager caseloads small enough that youth and families receive the individualized attention they deserve and need to be successful.

There are multiple benefits to the outlined approach. First, the youth will receive services that are individually tailored to their specific needs and circumstances in order to neither over-program or under-serve. Second, the case manager can develop a relationship with the youth and his/her family. Third, youth benefit from positive relationships with caring adults, and this case manager structure would facilitate such a relationship.

It will be critical for case managers to be knowledgeable about existing service providers in the Duval County community. Some of these service providers may receive specific funding to serve kids in diversion, while other service providers may serve the Jacksonville community more broadly. For example, the Partnership for Child Health recently received a \$1.2 million Florida Department of Children and Families grant to implement the Wraparound INTERvention STRategies (WINS) initiative. WINS was developed to fill the gaps in the continuum of care for youth with substance use and/or mental health disorders—involved in or at-risk of involvement in the juvenile justice system in Duval County—by providing research-driven interventions to prevent youth from entering higher levels of care through diversion and community-based programming. One of the three components of the initiative is High-Fidelity Wraparound services: a therapeutic care coordination model for youth with trauma indicators and mental health issues who score low- to moderate-risk with high social and

emotional needs. Wraparound services are considered a high-intensity level of service that should be reserved for youth and families with the most complex needs.

Implementation Timeframe: *Short-term.* It will take some time to develop a full case manager model, and the executive or consultant hired by KHA should have a key role in this implementation.

STRENGTHS AND NEEDS ASSESSMENT TOOL

Once a youth is referred for diversion, the assigned case manager should administer the recommended assessments, including a substance abuse and mental health assessment (such as the GAIN-Q [Global Appraisal of Individual Needs]) and a strengths and needs assessment tool. Assessment tools will help the case manager identify areas where the young person is excelling and areas where they may need help. As such, the case manager can develop a case plan that both builds on their strengths and addresses their needs, allowing for an asset-based approach to youth development rather than a strictly deficit-based approach.

Currently, providers of diversion services in Jacksonville use a compendium of tools to gather social history and assess strengths and needs, albeit with little similarity and uncertain degrees of reliability and validity. In addition, while the existing tools utilized may be relevant for individual programming, they are not part of comprehensive diversion case planning framework that guide overall services and support.

Extensive research by Operation New Hope identified several reliable and valid instruments recommended for review, including the Level of Service/Case Management Inventory (LSCMI), a validated needs assessment used to help make decisions related to case planning, appropriate levels of service, and treatment progress. Further, the recently awarded WINS initiative identified the youth version of the LSCMI, the Youth Level of Services/Case Management Inventory (YLS/CMI) to provide the case planning framework for diversion eligible youth. The YLS/CMI was identified from the Miami diversion structure.

After diversion services are transferred from the SAO to KHA, KHA and the case management provider should through the KHA Juvenile Justice Taskforce select the most appropriate tools for implementation. The JJAC recommends the KHA Juvenile Justice Taskforce

review the above tools for implementation, taking into account the current success modeled by Miami's diversion program and the research invested in their identification. Further, the assessment tool should not be a risk assessment tool, since the young person has already been referred for diversion by the SAO.

Implementation Timeframe: *Mid-term.* This work will be undertaken after the KHA contracts with the case management provider.

DEVELOP A CONTINUUM OF DIVERSION PROGRAMMING

To maximize the effectiveness of the case management structure, case managers should have a continuum of programming available for referral, since not all youth present the same strengths or needs. These programs may be exclusively funded to serve kids who are in diversion, or they may be broader, community-based programs that have a certain number of program "slots" reserved for diversion referrals. The overall development of the continuum will be an ongoing effort. Below, four types of programs are specified that would be particularly beneficial as part of the continuum.

Restorative Justice Pilot

Restorative justice is "a theory of justice that emphasizes repairing the harm caused by criminal behavior."²⁹ While our current system provides for some reparation of harm—typically in the form of restitution—the emphasis on punishment is the key focus of current legal jurisprudence. The centrality of reparation of harm suffered by a victim or community distinguishes restorative justice from traditional forms of criminal justice. In our current system, an individual who commits a crime commits a crime against the State. Although crime victims have rights, the State is the primary victim. Restorative justice practices, on the other hand, focus on addressing and repairing harm by giving the victim a more significant role in the process.

Restorative justice is a "process to involve, to the extent possible, those who have a stake in a specific offen[s]e

and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible."³⁰ This process, often called community conferencing, is an extended discussion about crime and its consequences. The discussion involves a face-to-face meeting between the victim, the person who caused harm, and other community stakeholders. During the conferencing session, trained facilitators promote productive discussions and ensure safety. All participants have the opportunity to tell their stories and the conferencing concludes with a consensus on how to best repair the harm caused. This model aims to address several areas that the traditional justice system may not: reparation of harm caused, prevention of further harm, and restoration of broken relationships.

Studies suggest that restorative justice can "improve victim satisfaction, increase a defendant's compliance with restitution mandates, and decrease recidivism when compared to more traditional criminal justice responses."³¹ While "studies on recidivism are not scientifically robust," reductions have been observed in adults and juveniles "including juveniles with a history of committing violent offenses."³² A meta-analysis of restorative justice programs revealed that victims who participated were "significantly more satisfied."³³ The author of the meta-analysis examined 13 programs, and victim satisfaction ratings were higher in all but one.³⁴

Given the clear community benefits of restorative justice, the JJAC recommends the incorporation of restorative justice principles across all diversion efforts, and specifically recommends the implementation of a restorative justice diversion pilot program. In effect, this would expand the restorative justice programming that plays a key role in the current civil citation disposition process. The program should be launched as a three-year pilot to develop proof-of-concept and further buy-in from the community in the context of diversion programming. The restorative justice program would be one of several programming options available to the diversion case manager, and the case manager would determine whether restorative justice programming is appropriate for the young person based on several criteria, including:

- The person who caused harm should admit to having involvement in order to be referred to a program.

²⁹ "Restorative Justice," Centre for Justice & Reconciliation, accessed on October 25, 2018. <http://restorativejustice.org/restorative-justice/#sthash.SsZZifmM.dpbs>

³⁰ Howard Zehr and Ali Gohar, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2003).

³¹ Fair and Just Prosecution, "Building Community Trust: Restorative Justice Strategies, Principles, and Promising Practices." FJP Brief, 2017: 2. https://fairandjustprosecution.org/wp-content/uploads/2017/12/FJP.Brief_.RestorativeJustice.pdf

³² Zehr and Gohar.

³³ Jeff Latimer, Craig Dowden, and Danielle Muise, "The Effectiveness of Restorative Justice Practices: A Meta-Analysis," *The Prison Journal* 85, no. 2 (2005): 127–144. http://www.d.umn.edu/~jmaahs/Correctional%20Assessment/rj_meta%20analysis.pdf

³⁴ Ibid.

- The victim must be willing to participate in the restorative justice conference or session.

In general, the restorative justice program should be reserved for more serious diversion cases. The Kids Hope Alliance should issue an RFP for a restorative justice program for which local nonprofit organizations are eligible to apply. Prior to releasing the RFP, the KHA and the case management services provider, in consultation with the SAO, should host a community meeting with a national expert on restorative justice practices to solicit feedback from community and justice system stakeholders, and help inform the development of the RFP and criteria for the restorative justice pilot.

Implementation Timeframe: *Mid-term.* The community meeting and RFP process should begin within the first six months of the transfer of diversion services to the KHA.

Credible Messenger Mentoring Pilot

Credible messenger mentoring programs have demonstrated promising results in jurisdictions like Richmond, CA, New York City, and Washington, DC. In these programs, young people are paired with a mentor who has a set of personal experiences likely to resonate with the mentee. Often, mentors are people who grew up in the same neighborhood as the mentees, and/or may have experienced the justice system firsthand and are now seeking to bring healing to the communities they previously harmed.^{35,36}

In New York City, the Arches Transformative Mentoring Program (Arches) is a group mentoring intervention that serves young people ages 16 to 24 who are on probation. According to a 2018 Urban Institute evaluation:

Arches participants are significantly less likely to be reconvicted of a crime. Relative to their peers, felony reconviction rates among Arches participants are 69% lower 12 months after beginning probation and 57% lower 24 months after beginning probation. This impact is driven largely by reductions among participants under age 18.³⁷

Similar to the program models in Richmond and Washington, Arches mentors are:

“credible messengers,” people with backgrounds and characteristics similar to the populations they serve, who develop robust relationships with

program participants built upon authentic shared experiences and understanding. Mentors are trained to facilitate group mentoring sessions and are expected to be available for additional one-on-one meetings with mentees, using motivational interviewing in both contexts ... Arches is based on the idea that credible messengers are best positioned to engage the young people who are hardest to reach.³⁸

As noted in the Comprehensive Gang Reduction Strategy recently released by the City of Jacksonville, Jacksonville Sheriff’s Office, and the State Attorney’s Office³⁹, Florida statutes and the Department of Juvenile Justice’s policies on background screening prohibit or make it extremely difficult for people with previous criminal convictions to become mentors or volunteer with youth. These individuals are perhaps the ones that could have the largest impact on at-risk youth, but are required to jump through substantial procedural hoops in order to gain an exemption and be authorized to have contact with youth. To repair the situation, it has been proposed that 1) the legislation and policies governing the employment of mentors be modified to allow people with eligible felony convictions to mentor and 2) an intensive mentorship program be established that is available for at-risk and criminally involved youth.

Given the clear benefits of meaningful mentor relationships, the JJAC recommends the incorporation of mentoring opportunities across all diversion efforts, and specifically recommends the implementation of a credible messenger diversion pilot program. The JJAC recommends that a request for proposals for a credible messenger mentoring program be developed and released via KHA. Community-based organizations with deep community ties and some understanding of the long-term negative consequences of justice involvement would be ideal applicants.

Implementation Timeframe: *Long-term.*

Pathways to Career

Some young people who are diverted from formal case processing may decide that employment, rather than continuing their education, is the best path forward at this point in their lives. In these cases, it is critical that young people are provided opportunities to pursue meaningful

³⁵ Richard Gonzalez, “To Reduce Gun Violence Potential Offenders Offered Support and Cash,” *NPR All Things Considered*. March 28, 2016. <https://www.npr.org/2016/03/28/472138377/to-reduce-gun-violence-potential-offenders-offered-support-and-cash>

³⁶ The SAO met with representatives from *Cure Violence* and beginning in summer of 2019, the model will be implemented in two communities with the aim of preventing violence among young people.

³⁷ Matthew Lynch, et al. “Arches Transformative Mentoring Program: An Implementation and Evaluation in New York City,” *Urban Institute*. February 2018. https://www.urban.org/sites/default/files/publication/96601/arches_transformative_mentoring_program_0.pdf

³⁸ Ibid.

³⁹ 2019 Comprehensive Gang Reduction Strategy, <https://www.sao4th.com/wp-content/uploads/2019/01/Gang-Reduction-Strategy.pdf>

Cost and Savings

career pathways that can provide a living wage. Such programs often provide training that can result in industry-recognized credentials for local, in-demand occupations. Supportive services that accompany career pathway training is often designed to boost retention and advancement for individuals with educational deficits and other barriers to employment—potentially including returning citizens. Unlike other models, career pathway programs require significant coordination and collaboration between training providers, community colleges, supportive service providers, and employers to provide a pathways program that is efficient and easy to navigate. A partnership between the KHA and the Florida State College at Jacksonville (FSCJ) could be an ideal relationship to foment a pathways-to-career program.

Implementation Timeframe: *Mid-term.*

DIVERSION COMPLETION

Unsuccessful completion. In instances where a child is struggling to complete the terms of his/her diversion, the case manager should meet with the child and family and attempt to understand the underlying causes for the difficulty. The case manager can decide whether to provide additional support or alter the case management plan entirely and place the child in a different diversion program or programs. In the few instances when a juvenile does not successfully complete the terms of his/her diversion, the case manager and SAO should convene a joint conference with the youth and family. At the conference, the case manager and SAO will again attempt to determine the underlying cause for the unsuccessful diversion experience. Following the conference, SAO will determine whether diversion should be continued, or if the case should be returned to the SAO and moved forward for formal petition.

Successful completion. Upon the successful completion of the diversion period, as determined by the diversion case manager, the SAO should be informed so that the case file can officially be closed. As is current practice, no less than twice per year, the SAO should continue to offer expungement of the arrest records for juveniles who successfully complete diversion.

Implementation Timeframe: *Immediate.*

Research suggests that prolonged contact between young people and the juvenile justice system can be harmful for most youth.⁴⁰ As such, jurisdictions across the country are reforming their juvenile justice systems to eradicate the antiquated “tough on crime” approach in favor of a more developmentally-informed approach that holds young people accountable for their actions while also providing opportunities for them to live up to their full human potential and exit the revolving door of the justice system.

Many jurisdictions that have transitioned to systems that emphasize diversion and community-based dispositions have seen improved public safety and associated cost savings. The types of reforms recommended in this report have been shown to reduce overall spending related to the juvenile justice system, over time. For example, detention and long-term residential facilities are, by far, the most expensive juvenile justice intervention available, costing Florida taxpayers upwards of \$55,000 per year to incarcerate a single young person⁴¹—more than the cost of annual tuition at Harvard University.⁴² Moving to a system with strong diversion programming can help reduce the reliance on detention and residential placement, which can yield significant savings. Other savings are less direct and come as a result of reduced recidivism, better youth outcomes, and fewer future victims of crime. Examples of such savings include: reduced incarceration costs for young adults in the adult system; reduced court costs for future arrests; and, increased economic contributions from young people who grow up to desist from crime and obtain tax-paying employment. These savings often span multiple government agencies—sometimes even multiple levels of government (city, county, state)—and can therefore be difficult to quantify.

This section of the report begins to contemplate potential funding solutions for implementation of the JJAC’s recommendations.

⁴⁰ National Academies Press, “Reforming Juvenile Justice.”

⁴¹ Justice Policy Institute, “Calculating the Full Price Tag for Youth Incarceration.” Washington DC: Justice Policy Institute, 2014. http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf

⁴² “Harvard At A Glance.” Harvard University, 2018. <https://www.harvard.edu/about-harvard/harvard-glance>

Funding

Critical to the success of these efforts will be the availability of sufficient and sustainable funding. There are too many cases in Jacksonville and beyond where communities undertake important initiatives with inaugural funding, only to see those initiatives falter and fail due to changes in budgetary priorities. The JJAC believes that obtaining long-term funding, in conjunction with implementation of its recommendations, is as important as the recommendations themselves.

The JJAC identified various sources of potential funding, which are discussed below.

CHILDREN'S SERVICES TAX; KIDS HOPE ALLIANCE BUDGET

The Miami-Dade Juvenile Services Department (MDJSD), which operates a nationally-recognized model diversion program, was formed as a separate county department, and is primarily funded by Miami-Dade county (\$11 million) utilizing a children's services tax enacted in 2002. The children's services tax provides a dedicated revenue stream that is devoted to the work of the MDJSD.⁴³ Its availability is not subject to shifting spending priorities, and therefore provides stability to the juvenile diversion programming.

Duval County should pursue a similar county-level dedicated funding stream through an independent special district to ensure sustainability for the juvenile justice reforms recommended in this report.⁴⁴

To begin implementation of these recommendations, the Independent Diversion Transition Workgroup shall determine the budget KHA will need. This budget should be incremental to KHA's current budget and not a reallocation of existing KHA dollars, because the ongoing work of the KHA is equally as important to the wellbeing of our community and its youth, and progress in other Essential Services categories need not be affected. Going forward, the incremental budget should become part of KHA's base budget each year, to ensure the continuation of programming. This funding could, in the future, be decreased following the enactment of a dedicated revenue source resulting from a children's services tax.

In developing the KHA budget needs, the Independent Diversion Transition Workgroup should take into consideration the following potential sources of funds.

PHILANTHROPY AND GOVERNMENT GRANTS

Upfront funding to get the recommended reforms started will likely be necessary, and federal or state government grants and philanthropic investments may be options to provide this seed money. Government grants and philanthropic investments must be seen as short-term (often one to three year) infusions of capital, while long-term funding is put into place.

The Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice may offer grants for these purposes, as may the U.S. Department of Labor and U.S. Department of Education. All grants from these three entities would require the submission of a formal application and entail an extended period of review and selection, therefore not lending themselves to short-term or initial sources of funding.

There are also many private foundations that specifically fund juvenile justice reform efforts focused on promotion of public safety and reduction of the use of confinement. Potential options for philanthropic partners include the Pew Foundation, the Annie E. Casey Foundation, and the Public Welfare Foundation. Joint applications submitted in collaboration between government entities and community organizations may be particularly appealing to private foundations such as these.

REALLOCATE EXISTING FUNDING AND REINVEST SAVINGS

As noted above, the SAO does not have operational dollars dedicated to diversion programming. The SAO's expenditures related to diversion are those allocated for

⁴³ The voters of Alachua, Broward, Dade, Hillsborough, Martin, Okeechobee, Palm Beach, Pinellas, and St. Lucie counties have approved the establishment and funding of an independent children's services council, levying their funds through establishment of a millage rate. Florida Statutes dictate a one-half mill cap for the generation of ad valorem funds, however a separate referendum can be held to increase the cap to a full mill.

⁴⁴ These special districts are authorized by Florida Statute §125.901, but must be approved by county voters in a referendum. There are three methods by which the creation of these districts can be placed on a ballot: 1) question posed by city council or commission on a ballot; 2) local legislative proposal; or 3) voter petition.

personnel salaries—dollars appropriated by the State of Florida and/or supplemented by grants.

There are overlaps in how diversion programming is currently operated in Jacksonville, so it should be possible to realize cost savings in connection with this reorganization, with these savings helping to reduce the overall cost of the reorganization.

In other communities, system reforms have been partially funded by reprioritizing agency operations and reallocating funding for the new reforms. The New York City Department of Probation opened more than a dozen Neighborhood Opportunity Networks (NeONS)—small, community-based offices that more closely resemble community-based organizations (CBOs) than probation offices⁴⁵—without increasing the agency’s budget.

In addition, by increasing the number of youth who are diverted, significant savings can be realized by reserving detention and placement facilities only for the small number of young people who need to be removed from the community. In doing so, states can close partial or full facilities and reinvest those savings into less expensive and more effective community-based programming, including light-touch and intensive diversion programs and wraparound services. In Kentucky, for example, the state’s changes resulted in \$4 million in savings reinvested into community supervision and other community-based services. A quarter of that \$4 million was specifically allocated as an “incentive” for local programs that allow youth to remain with their families and provide services in their home.⁴⁶

related issues has received widespread attention over the past several years, garnering pushback from entities as diverse as the U.S. Department of Justice⁴⁸, the Brennan Center for Justice, the American Bar Association, and the Laura and John Arnold Foundation.⁴⁹ A 2016 New York Times article discussed how low-income young people can become entrapped in the juvenile justice system because of the imposition of fines and fees; the article specifically highlighted the struggles of an adolescent from Duval County.⁵⁰ In recent years, the State Attorney’s Office has waived the \$100 diversion fee for families with youth participating in YOP who have an inability to pay, and the KHA should adopt a similar policy when assuming diversion programming.

Currently, diversion is less expensive for children and families than probation or out-of-home placement. In addition, diversion is less expensive for the state than paying to incarcerate a young person in residential placement. As such, diversion followed by alternative-to-placement programs are the most cost effective interventions and produce significantly better results than residential placement.

FEES AND FINES

Florida State statutes currently allow for some of the costs of the juvenile justice system to be passed onto the young people and their families.⁴⁷ As the Fourth Judicial Circuit looks to implement juvenile justice improvements, it should avoid imposing new, additional fees or fines on the young people and their families. The practice of charging families of justice-involved young people—often the least able to pay such fees—for juvenile justice-

⁴⁵ New York City Department of Probation NeONS: <http://home2.nyc.gov/html/prob/html/neon/neon.shtml>.

⁴⁶ Jake Horowitz and Casey Pheiffer, “Juvenile Justice Reforms Yield Major Advances in Kentucky,” Pew Trusts. May 3, 2018. <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/05/03/juvenile-justice-reforms-yield-major-advances-in-kentucky>

⁴⁷ “Cost of Care: A Joint Responsibility,” Florida Department of Juvenile Justice, accessed on May 15,, 2019. <http://www.djj.state.fl.us/docs/youth-families/costofcarebrochure.pdf?sfvrsn=0>

⁴⁸ “Advisory for Recipients of Financial Assistance from the Department of Justice on Levying Fines and Fees on Juveniles,” U.S. Department of Justice, January 2017. <https://ojp.gov/about/ocr/pdfs/AdvisoryJuvFinesFees.pdf>

⁴⁹ Juliene James and Susan Mangold, “The Juvenile Justice System is Stacked Against Poor Families,” The Washington Post. November 20, 2018. https://www.washingtonpost.com/opinions/the-juvenile-justice-system-is-stacked-against-poor-families/2018/11/20/d9eb6d34-e91a-11e8-a939-9469f1166f9d_story.html?noredirect=on&utm_term=.3be853533035

⁵⁰ Erik Eckholm, “Court Costs Entrap Nonwhite, Poor Juvenile Offenders,” The New York Times. August 31, 2016. <https://www.nytimes.com/2016/09/01/us/court-costs-entrap-nonwhite-poor-juvenile-offenders.html>.

Other Diversion Recommendations

In addition to the recommendations discussed above, the JJAC recommends the following immediate and longer-term changes:

Immediate

- **Eliminate initial judicial hearings.** The SAO should work with the Fourth Judicial Circuit Courts to eliminate the judicial hearing before a child can be placed in a diversion program. One of the primary purposes of diversion is to limit children's unnecessary exposure to the formal justice system, since overexposure to the formal justice system can exacerbate trauma and perpetuate the labeling and self-labeling of young people as "delinquent" or "troubled." Previously, youth were offered and placed on diversion plans without the requirement of appearing before the Court. The JJAC strongly recommends that the SAO works with the judiciary to immediately revert to this process and eliminate the judicial hearing.
- **Stop jail tours.** Jail tours and "scared straight" programs have been shown to increase the likelihood of arrest and re-arrest among at-risk youth.⁵¹ Jail tours should immediately be eliminated from the Youth Offender Program and the Program for At-Risk Students, and should be stopped by all agencies that utilize such tours as a prevention, diversion, or disposition strategy. In addition, programs should examine all current diversion practices against national best practices, and update any clear areas of misalignment accordingly.

Mid-Term

- **Cease acceptance of at-large referrals at the SAO.** Once the transition of diversion programming from the SAO to KHA is complete, the SAO should no longer receive at-large referrals. Children who are identified as being at-risk for entering into the juvenile justice system should receive services; however, those services should not come from the county's prosecuting entity, and the children should not touch the formal justice system. Instead, at-large referrals should be sent to the case management provider for appropriate services, since case managers will have the capacity to provide intervention in a community-based setting that is not part of the justice system construct.

Long-Term

- **Provide post-completion services.** Most young people complete the diversion process within 90 days. This is an appropriate timeframe to immediately address behavior that led to the juvenile's contact with the juvenile justice system and provide services and programs that are tailored to their individual needs—if any are identified from the needs assessment. However, there may be occasions where the child or family believes it would be beneficial to continue with the services or programs that were provided during the diversion program. In these instances, the case manager will assist the young person or family in continuing such services, however, participation will be considered optional and the youth will no longer be monitored for justice-system purposes.

⁵¹Laurie O. Robinson and Jeff Slowikowski, "Scary – and ineffective," The Baltimore Sun. January 31, 2011. <https://www.baltimoresun.com/opinion/bs-xpm-2011-01-31-bs-ed-scared-straight-20110131-story.html>.

Additional Recommendations

This report focuses primarily on improvements to the diversion process, as that was the task with which the JJAC was charged. However, in conducting research, learning from experts, reviewing national best practices, and evaluating Northeast Florida's current juvenile justice system, the JJAC identified several other areas for improvement, noted here as additional recommendations.

OVERARCHING

- **Reconstitute the KHA Juvenile Justice Taskforce.** The JJAC recommends the development of an enhanced KHA Juvenile Justice Taskforce, consisting of the heads of relevant agencies as contemplated by Florida Statutes § 985.664(4), with two primary objectives:
 - identify ways in which its members can more effectively intervene in students' lives with the aim of preventing justice involvement; and,
 - enhance communication between relevant agencies in order to best support young people who have come into contact with the justice system.

PREVENTION

- **Incorporate strategies from the School-Justice Partnership Model.** The JJAC acknowledges and appreciates the myriad agencies and organizations diligently working to keep young people on the right track, and out of the justice system altogether.⁵²

The School-Justice Partnership Model, funded by the Office of Juvenile Justice and Delinquency Prevention and implemented by the National Council of Juvenile and Family Court Judges (NCJFCJ), aims to keep kids in school and out of court. The model “enhances collaboration and coordination among schools, mental and behavioral health specialists, law enforcement and juvenile justice officials to help students succeed in school and prevent negative outcomes for youth and communities.”⁵³ The multidisciplinary effort is designed to improve school climates, respond quickly and appropriately to student mental health and behavioral needs, avoid referring students to law enforcement as a disciplinary response, and facilitate a supportive school re-entry process in the rare instances in which a youth is referred to the justice system. The JJAC recommends that Duval County Public Schools (DCPS) re-examine the organization and implementation of the school system's disciplinary code and, where appropriate, consider incorporating more strategies employed by the School-Justice Partnership Model.

ARREST AND INTAKE PROCESS

- **Move Intake to the Juvenile Assessment Center.** Juveniles should not be booked in the adult jail. The process is time consuming, stigmatizing, and frightening for young people. Youth who are arrested should be taken directly to the Juvenile Assessment Center for intake. This change should be implemented immediately.
- **Review of Assessment Tools.** The State of Florida no longer uses an assessment tool to measure risk of reoffending at the Juvenile Assessment Center. The Community Assessment Tool (CAT) was implemented in May of 2019 and will only be used after the youth is formally introduced to the justice system and assigned a juvenile probation officer (JPO). It is used to measure the risk to reoffend only after the JPO has become familiar with the youth, the family, the assessments and the community partners. The JJAC Committee recommends that officials should ensure that the risk assessment tools do not co-mingle risk and need factors and thus lead to the engagement of youth who have significant needs, yet do not pose a public safety risk.⁵⁴ Such youth should have their needs addressed, but not by the juvenile justice system. This review should be undertaken by the Dispositional Reform Subcommittee (DRSC), or a working group of the DRSC (see discussion on page 25).

⁵² The JJAC recognizes the critical importance of prevention efforts, and the numerous entities and programs that support children and help them stay out of the justice system altogether. These efforts are largely beyond the scope of this paper, and therefore, not discussed in great detail.

⁵³ “School-Justice Partnership Project: Keeping Kids in School and Out of Court,” School-Justice Partnership National Resource Center, accessed on May 15, 2019. <https://www.schooljusticepartnership.org/about-the-project.html>

⁵⁴ National Juvenile Justice Network, “Doing It Right: Risk Assessment in Juvenile Justice.” Washington DC: National Juvenile Justice Network, 2013. <http://www.modelsforchange.net/publications/499>

- **Staff the JAC with social service providers.** The JJAC recommends that the JAC be staffed by social service providers rather than DJJ probation officers, as is the practice in most JACs across the state of Florida. Given the research regarding juvenile justice system contact and the desire to get most young people out of the system as quickly as possible, a partnership model should be explored whereby the JAC is staffed by social service providers who administer the assessments.

PETITION AND DISPOSITION

- **Direct File Restructure.** The JJAC commends the SAO for issuing new guidance and policy regarding the instances and circumstances under which a case would result in a “direct file,” meaning that children are charged in adult court. The research is clear that—in the vast majority of situations—children should be kept in the juvenile justice system, which is more likely to produce better results for the child and for public safety.
- **Young Adult Court.** The JJAC recognizes that significant brain development and psychosocial development continues through a person’s mid-20s, and this ongoing development provides a unique opportunity to positively alter behavior and advance public safety among an age group that is disproportionately represented in the criminal justice system.⁵⁵ While beyond the scope of this paper, the JJAC encourages the SAO to look at Young Adult Court models and consider implementing a pilot program.
- **Move away from youth prison model.** Community-based intervention is appropriate for most young people; there are only a small proportion of children for whom placement in an out-of-home residential facility is appropriate. In these few cases, the courts and the Florida Department of Juvenile Justice should strive to keep the child as geographically close to their home communities as possible, and the placement should be as short in duration as possible.

There is well-established research demonstrating the positive impact that family visitation has on incarcerated people of all ages.⁵⁶ Strong and supportive connections to families and other caring adults is a pivotal factor in determining whether a young person will successfully reenter society when released from a residential facility. Placing children in residential facilities that are hours away from their families severely impedes a family’s ability to visit their loved one and maintain or redevelop the strong family connection that is necessary to support the child upon return home. These impediments can be particularly daunting when considering the financial burden that extended travel to far-away facilities places on many families who are already struggling economically.

Further, the youth prison model has been shown nationally as susceptible to widespread abuse. In Florida, an extended investigation by the Miami Herald revealed numerous instances of abuse within residential facilities, suggesting that the problems are endemic rather than isolated.⁵⁷ This is an issue that is hardly limited to Florida. One report that examined years of research on juvenile justice found that “America’s juvenile corrections institutions subject confined youth to intolerable levels of violence, abuse, and other forms of maltreatment.”⁵⁸ Given these factors, nearly 50 current and former youth correctional leaders recently called for an end to the youth prison model.⁵⁹ A recent report from Harvard University and the National Institute of Justice calls for just this. The authors state:

The call for the closure of youth prisons does not mean that there are not some young people for whom secure confinement is the right and necessary solution. But even for them, harsh, punitive, inhumane, and developmentally inappropriate settings are not the right place; certainly not if the goal is—as it should be—positive youth development and rehabilitation.⁶⁰

⁵⁵ Anjali Tsui, “How Brain Science is Changing How Long Teens Spend in Prison,” *PBS Frontline*. May 2, 2017. <https://www.pbs.org/wgbh/frontline/article/how-brain-science-is-changing-how-long-teens-spend-in-prison/>

⁵⁶ Karen De Claire and Louise Dixon, “The Effects of Prison Visits From Family Members on Prisoners’ Well-Being, Prison Rule Breaking and Recidivism.” *SAGE Journals*, August 31, 2015. <https://doi.org/10.1177/1524838015603209>

⁵⁷ Carol Miller and Audra Burch, “Florida Juvenile Justice: ‘Honey-Bun Hits,’ Illicit Sex, Cover Ups,” *Miami Herald*. October 17, 2017. <https://www.miamiherald.com/news/special-reports/florida-prisons/article177883676.html>

⁵⁸ Richard Mendel, “No Place for Kids: The Case for Reducing Juvenile Incarceration.” (Baltimore: The Annie E. Casey Foundation, 2011). <https://www.aecf.org/resources/no-place-for-kids-full-report/#summary>

⁵⁹ “Statement on Ending Youth Prisons.” Youth Correctional Leaders for Justice, 2019. <https://yclj.org/statement>

⁶⁰ Patrick McCarthy, Vincent Schiraldi, and Miriam Shark, “The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model.” (Boston: Harvard Kennedy School, 2016). <https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/research-publications/executive-session-on-community-corrections/publications/the-future-of-youth-justice>

Reserving placement in out-of-home residential facilities for the most severe instances and placing children in small facilities that are close to their home communities with no more than 12 youth in any given housing unit, will help to curtail such abuses by providing more opportunities for children to communicate in-person with their lawyers and families, thereby reducing the “secrecy” of what occurs behind the walls of such facilities. It will also encourage successful re-entry by allowing for children and families to maintain, develop, or re-develop the supportive relationships that research has demonstrated are a core indicator of future success. Youth who are placed in residential facilities must have access to high quality education, treatment, and healthcare services. Such services may include trauma-informed therapy, cognitive behavioral therapy, high quality education, vocational training, life skills classes, and recreational opportunities.

- **Establish the Dispositional Reform Subcommittee.** Under the umbrella of the enhanced KHA Juvenile Justice Taskforce, or the previously-identified Circuit Advisory Board, the JJAC recommends the establishment of the Dispositional Reform Subcommittee (DRSC). The DRSC should include major agency stakeholders (SAO, DCPS, DJJ, and KHA) and some community partners, and would provide a vehicle for the Northeast Florida community to implement a system that better serves its children who are in the deep end of the juvenile justice system (e.g., probation and commitment).

Conclusion

Young people come into contact with the law for a variety of offense types and present with a range of needs. Working together, the Northeast Florida community can build on past efforts and implement a series of juvenile justice reforms that hold young people accountable for their actions in a developmentally-appropriate manner that advances public safety.

The Juvenile Justice Advisory Committee was charged by State Attorney Melissa Nelson with identifying best practices and making concrete recommendations to improve diversion programming in Jacksonville. This report provides eight concrete recommendations to improve diversion, including three primary recommendations:

1. Transfer diversion programming from the State Attorney’s Office to the Kids Hope Alliance.
2. Implement a case management structure for diversion that tailors services and programs based on a needs assessment instrument.
3. Develop a continuum of available diversion programs, which includes restorative justice and credible messenger mentorship pilot programs, and a pathways-to-career program.
4. Limit the State Attorney’s Office’s role in diversion to the front-end (referral) and back-end (successful or unsuccessful completion) only.
5. Eliminate the initial judicial hearing required for diversion participation.
6. Eliminate all jail tours from prevention and diversion programming.
7. School and community requests for diversion programming should go directly to the Kids Hope Alliance, not to the State Attorney’s Office, eliminating at-large referrals.
8. Make post-completion services available for children and families who choose to engage in the services beyond the child’s completion of diversion.

Through our work, the JJAC became familiar with the full spectrum of the juvenile justice system, and made eight additional recommendations⁶¹ beyond the improvement of diversion programming.

Diversion programming is a critical, if often overlooked, component of a successful juvenile justice system, and the State Attorney’s Office and broader Jacksonville community is well-situated to move forward with the JJAC’s recommendations, in order to advance public safety and improve youth outcomes.

⁶¹ The full list of recommendations can be found on page 5.

APPENDIX A

Members of the Juvenile Justice Advisory Committee

Buddy Schulz (Chair), Partner, Holland & Knight

The Honorable Suzanne Bass, Circuit Judge, Fourth Judicial Circuit in and for the State of Florida

Jim Clark, Clark Consultants, LLC

The Honorable Brian Davis, United States District Judge, Middle District of Florida

Pamela Davis, Duval County Public Schools

Rory Diamond, K9s for Warriors

Kevin Gay, Operation New Hope

Nathaniel Glover, Former President, Edward Waters College and former Jacksonville Sheriff

Dr. Jeffrey Goldhagen, UF College of Medicine at Jacksonville

Shelley Grant, Jacksonville University

Marcus Haile, Learn to Read Jacksonville

Gretchen Hamm, Mental Health Resource Center

Elder Lee Harris, Mt. Olive Primitive Baptist Church

Bill Hodges, Retired from the Jacksonville Children's Commission

Alan Louder, State Attorney's Office

Michael Meyers, Attorney Retired, Orrick, Herrington & Sutcliffe, LLP

Lara Nezami, Finnell, McGuinness, Nezami & Andux PA

Deloris Patterson, Jacksonville Sheriff's Office

The Honorable Jack Schemer, Circuit Judge, Fourth Judicial Circuit in and for the State of Florida

Anthony Stinson, Community Leader and Small Business Owner

Nina Waters, The Community Foundation for Northeast Florida

Dr. Vicki Waytowich, Partnership for Child Health

Donna Webb, Chief Probation Officer in and for the Fourth Judicial Circuit, Florida Department of Juvenile Justice

APPENDIX B

JJAC Curriculum: Presentations and Reading Materials

Opening Session: September 12, 2017

Guiding question: What is the history of juvenile diversion in the State Attorney's Office in and for the 4th Circuit?

Reading materials: none

Meeting agenda:

1. Introduction and Charge to the Committee: Melissa Nelson, State Attorney in and for the Fourth Judicial Circuit.
2. Overview of the juvenile justice system: Laura Lothman Lambert, Director of the Juvenile Division
3. A history of diversion programming in the Fourth Judicial Circuit: Jay Plotkin, Partner, The Wilner Firm and Bill Hodges, Government Affairs Director, Jacksonville Children's Commission

Juvenile Brain Development & Risk Factors: October 27, 2017

Guiding questions: How do biological and emotional factors influence youth behavior?

Reading materials:

- Wasserman, Gail, et al. "U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention: Child Delinquency Bulletin Series." *Risk and Protective Factors of Child Delinquency*, Apr. 2003.
- Tamis, Karen, and Cymone Fuller. "Vera Institute of Justice: Center of Youth Justice." *It Takes a Village: Diversion Resources for Police and Families*, June 2016.
- Harris, Nadine Burke. "How Childhood Trauma Affects Health across a Lifetime." *TED: Ideas Worth Spreading*, Sept. 2014, www.ted.com/talks/nadine_burke_harris_how_childhood_trauma_affects_health_across_a_lifetime

Meeting agenda:

1. Overview of current State Attorney's Office diversion programming: Lisa Page, Director of Attorney and Community Development and Alan Louder, Director of Juvenile Diversion
2. Juvenile Brain Development and Trauma Informed Care: Dr. Mikah Owen, Assistant Professor, Department of Pediatrics, Division of Community and Societal Pediatrics, University of Florida
3. Risk Factors and Assessment: The Importance of the "Risk Principle" & Effective Diversion: Mark Greenwald, Director of Office of Research & Data Integrity, Florida Department of Juvenile Justice
4. Emerging Practices Assessment Programming: Daniel Montgomery, Assistant State Attorney

Juvenile Perspectives: December 1, 2017

Guiding question: Why do juveniles commit crimes?

Reading materials: none

Meeting agenda:

1. Presentation on Gangs and Groupthink: London Kite, Deputy Director of the Homicide Division, State Attorney's Office and T.K. Waters, Assistant Chief, Violence Reduction Strategy, Jacksonville Sheriff's Office
2. Presentation by EVAC Students. EVAC is a grassroots youth advocacy movement at Lee High School that aims to inspire hope and change for youth who have been impacted by violence, youth-police interactions, and the juvenile justice system by providing a positive and supportive community environment.

Restorative Justice: January 12, 2017

Guiding question: What is restorative justice and how does it work in the juvenile justice context?

Reading materials:

- Tullis, Paul. "Can Forgiveness Play a Role in Criminal Justice?" *The New York Times*, The New York Times, 4 Jan. 2013, <https://www.nytimes.com/2013/01/06/magazine/can-forgiveness-play-a-role-in-criminal-justice.html>.
- Williams, Timothy. "When Killer and Victim's Mother Meet, Paths From Grief, Fear and Guilt Emerge." *The New York Times*, The New York Times, 20 Jan. 2018, <https://www.nytimes.com/2017/01/03/us/when-killer-and-victims-mother-meet-paths-from-grief-fear-and-guilt-emerge.html>.
- "Fair and Just Prosecution's Issues at a Glance." *Building Community Trust: Restorative Justice Strategies, Principles, and Promising Practices*, Sept. 2017.

Meeting agenda:

1. Presentation on Restorative Justice: Dr. Lauren Abramson, Bio-Psychologist and Founder of the Community Conferencing Center, Johns Hopkins University School of Medicine
2. Presentation by Ellis Curry, who was involved in the murder of a boy in high school and later became close friends with the boy's father. The two spoke to classrooms and at events for many years about their story and the power of forgiveness.
3. Group Discussion

Education: February 2, 2018

Guiding question: What are the educational challenges faced by youth who interact with the juvenile justice system?

Reading materials:

- "The State of Learning Disabilities: Social, Emotional, and Behavioral Challenges." *National Center for Learning Disabilities*, 2017, <https://www.nclld.org/social-emotional-and-behavioral-challenges>.
- Conner, Deirdre. "A Special Visit, a Transformative Moment." *Jacksonville Public Education Fund*, 16 Nov. 2011, www.jaxpef.org/news/a-special-visit-a-transformative-moment.
- Farrin, Jim. "Why I Send College Students to Prison: Column." *USA Today Opinion*, 6 Dec. 2016, <https://www.usatoday.com/story/opinion/2016/12/06/prison-students-education-tutors-school-petey-green-column/95009018/>.

Meeting agenda:

1. Learning disabilities and video excerpt from hearing before the May 10, 2016 Senate HELP Committee on Dyslexia, featuring Ameer Baraka: <https://www.youtube.com/watch?v=jyFiOYCqvYk>.
2. Student Assessment and Educational Practices at PACE Center for Girls, Inc.: Renee McQueen, Senior Director of Social Services Program, and Stephanie Stevens, Associate Director of Education
3. Discussion with Brandon Rothenberg on his educational experiences in the justice system. Brandon was asked about the factors that led him to his juvenile justice involvement, as well as the sparks that changed his life's course. Brandon attributes his change of path not to the programs he participated in, but the motivation of receiving his education, and the teachers that mentored him along his journey.
4. Group Discussion.

Community Service / Mentoring: March 9, 2018

Guiding question: How do mentorship and community engagement impact a youth's success in the juvenile justice system and beyond?

Reading materials:

- Goode, Wilson. "Policy Corner: The Breaking Chain Model. Ending the Cycle of Intergenerational

Incarceration.” *The Chronicle of Evidence-Based Mentoring*, 5 Sept. 2018, <https://www.evidencebasedmentoring.org/policy-corner-the-breaking-chain-model-ending-the-cycle-of-intergenerational-incarceration/>.

- Bruce, Mary and Bridgeland, John (2014). *The Mentoring Effect: Young People’s Perspectives on the Outcomes and Availability of Mentoring*. Washington, D.C.: Civic Enterprises with Hart Research Associates for MENTOR: The National Mentoring Partnership. www.civicerprises.net/education.
- Thomas, Douglas. (2008). “Making Things Right: Meaningful Community Service for Juvenile Offenders.” *Technical Assistance to the Juvenile Court: Special Project Bulletin*. Pittsburgh, PA: National Center for Juvenile Justice.

Meeting agenda:

1. Presentation on Mentorship and its Impact: Ingrid Bowman-Thomas, Nationally Certified Site Coordinator, Communities in Schools of Jacksonville
2. Panel discussion on mentorship in the greater Jacksonville community:
 - Sara Alford, CERO, Big Brothers Big Sisters of Northeast Florida
 - Kevin Carrico, VP of Operations for Boys & Girls Clubs of Northeast Florida
 - Pastor John Guns, Founder, Operation Save Our Sons
 - Lawrence Hills, District Supervisor, 5000 Role Models of Excellence Project
 - Sonya Young, CEO, The Malik Mentoring Program

Employment & Life Skills: April 6, 2018

Guiding question: How do employment and life skills training contribute to successful diversion of youth from the juvenile justice system?

Reading materials:

- Linderman, Juliet. “Amid the Bloodshed, Baltimore Group Seeks to Break the Cycle.” *AP NEWS*, Associated Press, 3 Dec. 2017, <https://apnews.com/3ac32cf1dfe0466ca90a102b2be5b4f4>.
- Riley, Mitchell. “Program Provides Juvenile Offenders With Second Chance.” *Arizona Public Media*, 27 Nov. 2013, <https://www.azpm.org/s/16677-juvenile-offenders-find-a-second-chance-a-new-path/>.
- Brown, Karen. “ABA Child Law Practice: Health Matters.” Vol. 29, Issue 1. *Positive Youth Development: The Key to Keeping Youth Out of the Juvenile Justice System*. (PDF)

Meeting agenda:

1. Presentation on Employment and Life Skills Training Models: Linda Joseph, Chief Operating Officer, Operation New Hope. Operation New Hope provides support, life and job skills training for people with a history of involvement with the criminal justice system, and places them in employment that offers a sustainable quality of life (<https://operationnewhope.org/>).
2. Perspectives from Employees and Employers:
 - Willie Brantley, Operations, DC Lee Enterprises (owner of 18 McDonald’s franchises in Northeast Florida)
 - Anthony Davis, current Ready4Work client
 - Jackie Grzebin, Owner, The Flame Broiler
 - Tammy Hackley, Operations Supervisor, DC Lee Enterprises (owner of 18 McDonald’s franchises in Northeast Florida)
 - Elizabeth Tafel, Ready4Work graduate
 - Travone Thomas, current Ready4Work client

Assessment / Wraparound Services: May 11, 2018

Guiding question: What is the impact of wraparound services on a youth's success? What are the best tools to assess what services a youth should receive? Specifically, what areas have the most lasting effect for families?

Reading materials:

- Bruns, Eric, et al. "The National Wraparound Initiative Advisory Group." *Wraparound Process*, <http://www.nwi.pdx.edu/NWI-book/pgBookAndCompleteSections.shtml>.

Meeting agenda:

1. Discussion on Wraparound Services and Assessment for Youth in the Jacksonville community: Lawanda Ravoira, D.P.A., President and CEO of the Delores Barr Weaver Policy Center
2. Discussion on Wraparound and Assessment for the Family in the Jacksonville community: Robyn Cenizal, Project Manager for the National Resource Center for Healthy Marriage and Families, and Michelle Hughes, Director for the Jacksonville Network for Strengthening Families
3. Perspectives from a Jacksonville Parent: Ingrid Harris, who is a mother of a young man who was in and out of trouble for most of his schooling, shares her frustrations in trying to locate and initiate services for her son. She is a proactive parent, and sought help, but described the obstacles she experienced in the education and service systems. She also shared the transformation her son experienced after getting involved in appropriate programs and mentorship.

Programming: June 1, 2018

Guiding questions: What is the big picture, what are examples of alternative programming, and what are the JJAC's next steps?

Reading materials: none

Meeting agenda:

1. Assessment, Practices, and Programming at the Miami-Dade Juvenile Assessment Center: Cathy Burgos, LCSW, Division Director of Operations, Miami-Dade County Juvenile Services Department
2. Panel Discussion by providers of alternative and arts programming for justice-involved youth:
 - Ebony Payne-English, Managing Director, The Performers Academy (TPA is a nonprofit arts education program that uses the arts as behavioral therapy to serve underserved youth at free or reduced cost. www.theperformersacademy.com)
 - Tony Rodrigues, Art & Program Instructor, Cathedral Arts Project (One of CAP's programs provides a creative outlet for incarcerated juveniles that builds their artistic skills and working knowledge of art and art history. In addition to teaching painting techniques, the program emphasizes improvement of communication and social skills, nonviolent self-expression, and new avenues for coping in difficult environments. <https://capkids.org/countymissives/>)
 - Kathryn Thomas, Executive Director, Yoga 4 Change (Y4C is a nonprofit organization that achieves meaningful change for veterans, incarcerated individuals, vulnerable youth, and those dealing with substance abuse through a purpose-driven yoga curriculum. www.y4c.org)
 - Officer Eric Wesley, former Director of Juvenile Programming, Duval County Detention Center
3. Instructions on subcommittee breakout meetings.
4. Instructions for suggested format of final report and recommendations.

Visit <https://www.sao4th.com/about/programs-and-initiatives/juvenile-justice/juvenile-justice-advisory-committee-jjac/> for presentations and more information.

APPENDIX C

Juvenile Justice Advisory Subcommittees and Their Leadership

The Mentoring and Community Service subcommittee was led by The Honorable Suzanne Bass. Judge Bass is currently serving her second term as a Circuit Court Judge in Duval County, and her fifth year in juvenile delinquency. Prior to its cessation she represented the judiciary serving as subject matter expert to the Jacksonville Journey. A former litigator with extensive courtroom experience, jury and non-jury, she has represented clients in diverse areas of the law, including criminal defense, family law, personal injury, adoption, and administrative.

Judge Bass received her bachelor's degree from Emory University prior to earning her J.D. from the University of Richmond. In Virginia, Judge Bass began her career as staff attorney for Tidewater Legal Aid, followed in Florida by employment as Assistant Public Defender, Assistant State Attorney, then in her own private practice. Towards the end of her private career, she was a licensed mediator, during which time she was employed as an adjunct professor at Florida Coastal School of Law.

The Restorative Justice subcommittee was led by Nina Waters. Waters serves as President of The Community Foundation for Northeast Florida, Inc., Florida's oldest community foundation, and with assets of \$384 million, is also one of the state's largest. She was promoted to this position in January 2005 after serving as Executive Vice President for three years. Her primary responsibilities include the leadership and management of the donor services, grantmaking services, and administrative services functions of the Foundation. Accomplishments include launching the Foundation's Quality Education for All initiative in 2005, which led to the creation of the Jacksonville Public Education Fund, and culminated in the announcement of a \$38 million fund for local education investment. Under her leadership, Foundation assets have quadrupled and annual grants to the community have grown from \$9M in 2002 to \$47M in 2018. Prior to joining the staff of the Foundation, Waters served as Executive Director for the PACE Center for Girls Jacksonville program for 12 years.

The Education subcommittee was led by The Honorable Brian J. Davis. Judge Davis was appointed as United States District Court Judge for the Middle District of Florida by President Barack Obama in 2013. Prior to his appointment, he served as a state Circuit Court Judge for nearly 20 years in Jacksonville and more recently, Nassau County. Judge Davis is a graduate of Princeton University and the University of Florida College of Law. Previously, he practiced law privately in the civil arena and was Florida's first African-American Chief Assistant State Attorney. Judge Davis has actively volunteered with Leadership Jacksonville, NCCJ, the Urban League, NAACP, Omega Psi Phi Fraternity, Jacksonville Community Council, Hubbard House, Help Center, PACE Center for Girls, OneJax, the Jaguars Foundation, and he chaired the Mayor's Domestic Violence Task Force in 1999. He served on The Community Foundation's Forum for Quality Education, and is on the board of the Jacksonville Public Education Fund.

The Employment and Life Skills subcommittee was led by Kevin T. Gay. Gay is a Jacksonville native and graduate of the University of Florida. He brings to his role as CEO/Founder of Operation New Hope many years of entrepreneurial experience and a deep commitment to revitalizing urban neighborhoods. He combines this experience with his strong faith and a special interest in helping the underserved in communities who seek a way out of the cycle of addition, poverty, and incarceration.

Gay left corporate America in 1999 and founded Operation New Hope to create a new model for community development. He felt that, while there were many houses in many urban communities in need of major restoration, there were also many people broken and in need of Hope once again. Thus, Operation New Hope was born to bring Hope in the form of new housing and new skills leading to new jobs and a revitalized community. Operation New Hope developed the first national model for prisoner re-entry, called Ready4Work, which was introduced in 16 other cities around the country. Gay has advised four different presidential administrations on re-entry issues.

The Wraparound and Alternative Programming subcommittee was led by Michael Meyers. Meyers, trained as a lawyer, is an active board member for, and trusted adviser to, a number of for-profit and nonprofit organizations. In 2016, Meyers retired after 23 years from Orrick, Herrington & Sutcliffe LLP, an international law firm where he

practiced corporate and finance law. For a number of years he has been very interested in education, criminal justice reform, and juvenile justice issues. From 2010 to 2015 he served as Chair of the board of trustees at The Discovery School in Jacksonville Beach, during a period when the school expanded the curriculum from Montessori to include International Baccalaureate. From 2015 to 2018 he served as a director of the ACLU of Florida, where he focused on criminal justice reform. He currently serves as a trustee of The Community Foundation for Northeast Florida where he is pursuing criminal justice reform efforts. Meyers also serves as a director of the Peter Michael Winery, a premium California winery, and as a Managing Member of ML Venture Investments, a family company.

The Juvenile Brain Development and Mental Health subcommittee was led by Vicki Waytowich, Ed.D, MSCJ. Dr. Waytowich has more than 25 years' experience in the realm of child advocacy, children's mental health, juvenile delinquency prevention and intervention, and program development, implementation, and evaluation. She is currently the Executive Director of the Partnership for Child Health (PCH), a child-serving organization that focuses on improving the health and well-being of children, youth, and their families. Prior to her current role, Dr. Waytowich was the Vice President of Operations of Daniel Memorial, Inc., where she developed and managed in-patient and statewide community-based programs and interventions for children, youth, and their families involved in the mental health, child welfare, juvenile justice, homeless, and independent living systems. She is the current Chair of the Fourth Circuit Juvenile Justice Advisory Board, governed by FS 985.664, to provide direction to the Department of Juvenile Justice (DJJ) in the development and implementation of programs relevant to the delinquency trends of the circuit. She holds a bachelor's degree in sociology, a master's degree in criminal justice, and a doctorate in educational leadership. She is an adjunct professor in the Department of Criminal Justice and Criminology at the University of North Florida and has published research in the areas of delinquency, juvenile violence, education, and anxiety with a special interest in marginalized and underserved populations.

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